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ABSTRACT

This paper reviews seven specific components of change that labor militancy in public education will have on the American economic system in the future. First, teacher militancy will influence other public employees to become more militant and will pressure private-sector employees to unionize. Second, additional state and federal public-employer collective-bargaining legislation will be forthcoming. Third, an increased burden on public finances will lead to public versus private employee political confrontations regarding allocation of economic resources. Fourth, federal financing of public education will increase, perhaps leading the way for increased federal financing of all public enterprises. Fifth, viable alternatives to strikes will be developed for public employees, with their application possibly spreading to the private sector. Sixth, new scope of bargaining examples that emphasize shared authority in decision making will influence trends in private-sector labor-management relations. Finally, militancy in behalf of professional objectives will establish precedent for seeking social change through general strikes of public employees. (Author/DE)

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LABOR MILITANCY IN PUBLIC EDUCATION
ECONOMIC HISTORY IN THE MAKING

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The preface to published proceedings of a 1970 seminar on public employee relations began by positing that "there are few problems facing our nation today about which there is greater controversy or a greater need for constructive solution than those surrounding the often chaotic field of public employee relations."[1] A full five years have passed and although now less chaotic, the field of public employee relations remains incipient, fraught with controversy, and in need of models that will suggest solutions to increasingly complex problems.

Expansion of the public sector has been substantial over the past fifteen years, with the number of nonagricultural employees rising only by 39.6 percent in the private sector while increasing by 71.0 percent in the public sector. The most impressive gain in employment over the same period has been in state and local government with an increase of 90.1 percent. In fact, all available data indicate a strong positive trend in public employment (see Tables 1 & 2). When viewed in light of the present condition of the United States economy, the recent trend toward absolute and relative increase in public sector employment indicates that continued public sector expansion is likely into the foreseeable future. Given such

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1. Richard J. Murphy and Morris Sackman (eds.), The Crisis in Public Employee Relations in the Decade of the Seventies (Washington: The Bureau of National Affairs, Inc., 1970), p. v.

likelihood, the additional evidence (see Tables 3 - 6) of increasing militancy among public sector employees mandates that we pay closer attention to the field of public employee relations. Indeed, present evidence of a growing, militant public employee population portends that the fundamental tenets upon which the allocation of resources essentially has been determined in the U.S. economy may be on the threshold of dramatic revision.

Present literature generally separates public education from other public employee classifications for the purpose of analyzing the historical development of collective bargaining and the current state of the art.[2] It should be noted that such a separation is one of analytical convenience, however, and that sub-sectors within the public sector have much in common with regard to the impact of their pursuit of collective bargaining on the economic system. The present paper concentrates on evidence taken from experience in public education, with particular consideration of developments in higher education.

Public school teachers, and especially college professors, appear to require more in the way of basic change in attitudes before they can accept full-blown collective bargaining as the keystone of their employer-

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2. For example, see Seymour L. Wolfbein (ed.), Emerging Sectors of Collective Bargaining (Morristown, N.J.: General Learning Press, 1970; Harry H. Wellington and Ralph K. Winter, Jr., The Unions and the Cities (Washington: The Brookings Institution, 1971); J. Joseph Loewenberg and Michael Moskow (eds.), Collective Bargaining in Government (Englewood Cliffs, N.J.: Prentice-Hall, 1972); Paul Prasow and others, Scope of Bargaining in the Public Sector--Concepts and Problems (Washington: U.S. Department of Labor, Public Sector Labor Relations Information Exchange, 1972); Robert K. Carr and Daniel K. Van Eyck, Collective Bargaining Comes to the Campus (Washington: American Council on Education, 1973); Jack Stieber, Public Employee Unionism: Structure, Growth, Policy (Washington: The Brookings Institution, 1973).

employee relationship than do most other public employees. In light of the greater likelihood of rapid and continued change in other areas of public employment, predictions of change in the U.S. economy made on the basis of developments in higher education employee relations should be acceptable as understatements. In other words, if American college and university professors are becoming militant in their own behalf as employees of the public, then fundamental change in such attitudes has surely reached the far reaches.[3]

The extent of increasing labor militancy in public education over the past fifteen years is not only impressive quantitatively, it is important when considered as a possible cause of other changes in the economy. After believing for so long that their best interests as employees would be looked after by governing boards and professional administrators who were committed unequivocally to the need for quality public education, teachers have been awakened to the harsh realities of maintaining their own level of living in a hostile economy where inflation is accompanied by a cooling of the general ardor for more and better education at any cost. Just as laborers in manufacturing industries were once convinced that they were likely to remain wage earners and should make the most of it using what economic power they had at their disposal, public school teachers are well into the process of being convinced that they are truly public employees rather than public servants in the highest sense of civic

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3. Please excuse the author's tongue in cheek method of noting that public school teachers and college professors have been more reluctant than other public employees to give up the belief that their calling transcends activities so base as "bargaining" with an employer--collectively or otherwise. Five years of working actively to convince fellow members of an employee association that collective bargaining and college teaching could be compatible have taken their toll on the author's sense of humor.

responsibility.[4] This basic change in attitude, as it finally becomes pervasive, cannot help but have some impact upon the process and the results of political and economic decision making.

Increasing teacher militancy of the magnitude indicated in Tables 3 and 4 will be a contributing factor to at least seven specific components of change in the U.S. economic system. 1) The present momentum of labor militancy at every level of public education will be self-stimulating, will influence other public employees to become more militant, and will put increased pressure on private-sector service employees to unionize. 2) Additional state and federal public employee collective bargaining legislation will be forthcoming at an accelerated rate. 3) An increased

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4. Seventy years ago, evidence of increasing labor militancy was as impressive in the private sector as it is today in the public sector. Average annual membership in American unions increased from 447,000 in 1897 to 2,040,000 in 1910. The number of work stoppages averaged 1,390 for the years 1896-1900 and 2,960 for the years 1901-1910. (Historical Statistics of the United States, Colonial Times to 1957, Bureau of the Census, 1960.) As union membership was increasing and work stoppages were becoming commonplace, acceptance of "bread and butter" unionism displaced the earlier philosophy of "uplift" unionism. In fact, labor's late 19th century rejection of organizations that preached personal improvement (uplift) at the expense of bread and butter (more, now) collective bargaining tactics provided cogent evidence that labor rapidly was becoming disenchanted with the success ethic and, consequently, more militant in behalf of their immediate vested interests as employees. As the success ethic weakened and the American laborer saw himself less as an incipient capitalist, the committment to collective bargaining increased. John Mitchell, President of the United Mine Workers at the turn of the century, began the preface of his 1903 book on organized labor by stating that "the average wage earner has made up his mind that he must remain a wage earner." (John Mitchell, Organized Labor (Philadelphia: American Book and Bible House, 1903), p. ix.) Seventy years later, the attitudes of public school teachers, kindergarten through graduate school, are changing in a related fashion. Recent movement of teachers' organizations away from their earlier "uplift" activities to bread and butter collective bargaining is similar in many ways to earlier experience in the private goods sector.

burden on public finances will lead to public versus private employee political confrontations regarding allocation of available economic resources. 4) Federal government financing of local and state public education systems will increase, perhaps leading the way for increased federal financing of all public enterprise. 5) Viable alternatives to the strike will be developed for public employees, with their application possibly spreading to the private sector. 6) New scope of bargaining examples emphasizing shared authority on virtually every aspect of the enterprise's operation will influence trends in private sector labor-management relations, especially in the growing service industries. 7) Militancy in behalf of professional objectives will establish precedent for seeking social change through general strikes of public employees.

Data presented above clearly indicate that momentum belongs to the militants in public education at the present time.[5] There are several important factors that simultaneously are causes and effects of the momentum. For example, the relationship between militancy and existing collective bargaining legislation is apparent.[6] Only states having public employee bargaining laws have a large portion of faculty organized. At the same time, faculty in states not having such laws are cognizant of events in states that do and have become increasingly militant in seeking enabling

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5. In the way of expert testimony, W. J. Usery, Director of the Federal Mediation and Conciliation Service, recently responded to the question, "What is the climate of public sector collective bargaining in this period of acute inflation and joblessness?" that he sees "a continuing movement toward being more militant, more objective in trying to receive those things which they think they should have." United Teacher (Los Angeles: United Teachers-Los Angeles, February 24, 1975), p. 3.

6. See Joseph Garbarino and Melvin Aussieker, "Faculty Unionism in Institutions of Higher Education," in Monthly Labor Review, April, 1974, pp. 48-51.

legislation in their own state (more on the importance of this phenomenon follows in the discussion of component number two). A second factor generating momentum is competition between would-be representing agents. Especially in states where collective bargaining rights are emergent, public employee "unions"[7] are continuously articulating the merits of collective bargaining as the best solution to the numerous problems that currently exist for teachers and education in general.[8] The efforts of teacher organizations to survive generates considerable rhetoric which serves to stimulate interest in (or concern about) collective bargaining, which in turn encourages the would-be agents to even higher levels of militant leadership.[9] It is important to note that either relative success

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7. There is no need to draw the fine line of distinction between the terms "union" and "association" for the purposes of the present paper. The terms are used interchangeably and the more neutral word "organization" is used to indicate both union and association.

8. For example, while President of a relatively conservative statewide faculty organization in 1973 (the California College and University Faculty Association), the author of the present paper proclaimed via 15,000 copies of "An Open Letter to Faculty Members..." that"...the institution of collective bargaining is the most tenable alternative for conflict resolution in the California State University and Colleges."

9. Even the historically conservative (regarding collective bargaining) American Association of University Professors has endorsed collective bargaining as a viable method of decision making in higher education, and has begun to employ "labor union" rhetoric to entreat faculty to support the AAUP. Such actions are not a case of monkey see, monkey do, they are well-reasoned actions in the battle for organizational survival during this period of convincing momentum in teacher militancy. In an instructional pamphlet entitled "Building Effective Locals in Higher Education," the also supposedly conservative National Education Association used language verbatim of that found in a similar AFT pamphlet to admonish local leadership as follows: "Your local must recognize that the exercise of power is essential if it is to survive and grow. Here are some techniques basic to the exercise of power...." Cf. Everett Ladd, Jr. and Seymour Lipset, Professors, Unions, and American Higher Education (Berkley, Ca.: Carnegie Commission on Higher Education, 1973), pp. 1-10.

or failure in existing collective bargaining situations appears to increase the momentum of militancy. For instance, the favorable contract provisions negotiated in the State University of New York are held up as an example of the value of collective bargaining by both the American Federation of Teachers (AFT) and the National Education Association (NEA) in an attempt to encourage more faculty to join the two organizations rather than the American Association of University Professors. At the same time, the patently unfavorable contract provisions negotiated by the AFT at the University of Hawaii have been used by the AAUP and NEA to solicit support away from the AFT in order to have the AFT decertified as the agent. In both cases, increased faculty militancy was encouraged. Simply put, as long as collective bargaining remains emergent in much of the public education sector, teacher militancy will be self-stimulating because the desire to participate is contagious--no matter what.[10]

The present momentum of teacher militancy will influence other public employees to become more militant (and vice versa) largely because of suggestion by example and the powerful motivation of self preservation in a hostile economy.[11] Although public employees have organized to bargain collectively since well back into the 19th century, examples of militancy have been infrequent until only recently. The rapid increase in teacher militancy from 1964 to 1971 chronologically leads a comparative rate of increase in general public employee militancy (see Figure 1). Militant

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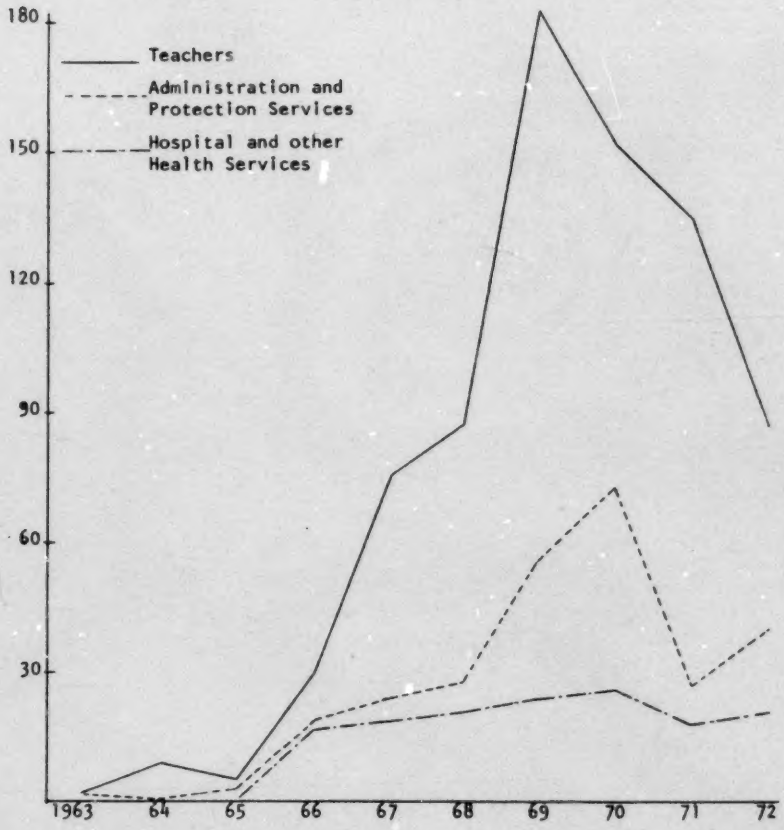
10. Cf. Robert K. Carr and Daniel K. VanEyck, Collective Bargaining Comes to the Campus (Washington: American Council on Education, 1973), pp. 61-65; Ladd and Lipset, op. cit., pp. 11-67.

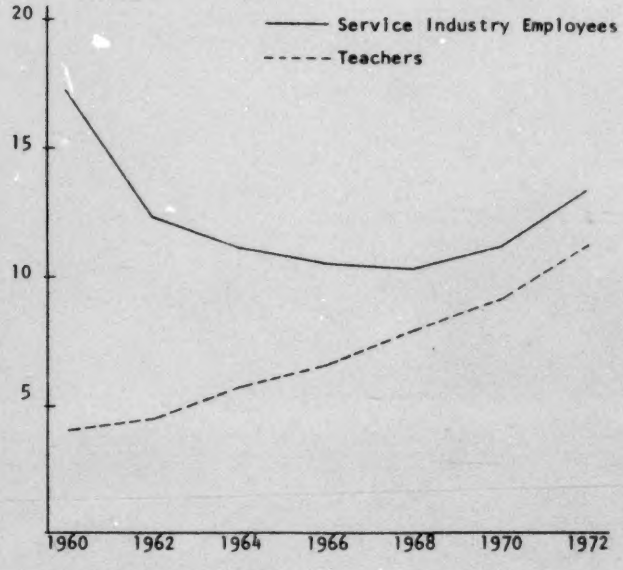
11. Cf. Harry Cohany and Lucretia Dewey, "Union Membership Among Government Employees," in Monthly Labor Review, July 1970, pp. 18. (See Figure 1).

FIGURE 1
WORK STOPPAGES IN SELECTED PUBLIC EMPLOYMENTS



Source: Bureau of Labor Statistics, Work Stoppages in Government, Report 348 (1970), Summary Report (1971), Report 434 (1974).

FIGURE 2
PERCENTAGE OF TEACHERS IN AFT
AND
PERCENTAGE OF SERVICE INDUSTRY EMPLOYEES UNIONIZED



Sources: Bureau of Labor Statistics, Handbook of Labor Statistics, 1974; "Percent of all Instructional Staff in U.S. Members of AFT and NEA," unpublished report of National Education Association Research Department.

leadership in public employee unions clearly has increased since the mid-1960's, however.[12] Evidence of continued increase in efforts by organized labor to assist public employees in the direction of greater militancy is provided by the founding, in November, 1974, of a Public Employees Department in the AFL-CIO. Twenty-four AFL-CIO affiliated unions representing over two million public employees will be assisted through the new department.[13]

Increasing organization and militancy in the public sector will, in all probability, be a stimulus to organization and militancy in the rapidly growing private sector service industries. The strong similarity in attitude regarding the special important nature of their work provides a logical bond between militant tendencies of public school teachers and professional "white-collar" service industry employees. In addition, the rate of union organization in the private service industries will be influenced by the organization of public employees in general through the power of suggestion by example and motives of self preservation. All available evidence suggests that the present rate of growth in size and unionization of these two components of the labor force will provide constant mutual reinforcement

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12. For example, the American Federation of State, County and Municipal Employees has grown rapidly and become increasingly militant under the leadership of President Jerry Wurf. For an interesting account of the internal politics involved in the election of Wurf, see Richard Billings and John Greenya, Power to the Public Worker (New York: Robert B. Luce, Inc. 1974).

13. It must be noted that much of the recent statistical increase in public employee militancy is traceable to the rapid increase in organization of local and state employees relative to earlier organized federal employees. Federal employees are legally prohibited from striking and have, for the most part, respected the ban. See Jerome T. Barrett and Ira B. Lobel, "Public Sector Strikes-Legislative and Court Treatment," in Monthly Labor Review, September, 1974, p. 19.

for increased militancy in the future. (see Figure 2).

The second component of change in the economic system stimulated by teacher militancy is the increase in public employee collective bargaining legislation. Cognizant of the close dependency of continued growth in public sector unionism on enabling legislation,[14] would-be collective bargaining agents of every persuasion are devoting a significant portion of their resources to lobbying for such laws. For example, published NEA policy states that "the Association seeks the enactment of a federal professional negotiation law and urges its affiliates to seek state negotiation legislation substantially equivalent to the federal statute."[15] The California Teachers Association (CTA), a 145,000 member affiliate of the NEA, has passage of public employee collective bargaining legislation as a high priority. In a press release following gubernatorial veto of such a law in 1973, the CTA President "...predicted that the veto will cause teachers and other public employees to work harder for collective bargaining" and that the CTA would "...continue to fight for the right to negotiate all conditions of employment."[16] Also in California, a statewide higher education coalition of the AAUP, NEA and California State Employees' Association has stated in its Articles of Agreement under "Purposes" the goal of "legislative advocacy including the enactment of a public employee

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14. For example, only those states that have strong laws, such as Hawaii, Michigan, New Jersey, New York, Pennsylvania and Rhode Island have a large portion of faculty organized for the purpose of collective bargaining. See Garbarino and Aussieker, "Faculty Union's Mood...," loc. cit., pp. 49-50.

15. Report on Implementation of Resolutions and New Business, presented to the fifty-third Representative Assembly of the National Education Association, 1974, p. 14.

16. California Teachers Association News Release #1154, President Bryan Stevens, November 2, 1973, Burlingame, CA., p. 1.

bargaining statute in California sensitive to the special needs of the California State University and Colleges."[17] A noteworthy example of concerted effort to obtain collective bargaining legislation at the national level is the formation in 1972 of the Coalition of American Public Employees (CAPE). A coalition of AFSCME, NEA and the National Treasury Employe Union, CAPE professes to be "the cornerstone of a united effort to make federal collective bargaining legislation a reality in the public sector as it has been in the private sector for 35 years."[18]

The considerable effort being expended across the nation is bearing fruit. New or improved public employee collective bargaining laws were enacted during 1974 in Florida, Iowa, Maine, Massachusetts and New Jersey At the present time, approximately twenty-nine states have general public employee or teacher bargaining laws. Pressures generated by the passage of laws in smaller states are presently being felt in California, where a major public employee bargaining bill passed the legislature only to be vetoed in 1973. A strong law is now being debated in the California legislature, with the likelihood of enactment during 1975.[20] Enactment o such legislation is suggested by evidence of changing attitudes of legislators. In a poll of approximately 200 candidates for the California State Legislature in 1974, 136 of 157 responding to the questionnaire agreed th

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17. Articles of Agreement of the Congress of Faculty Associations, Article II, Section C-1.

18. Promotional brochure entitled "The Coalition of American Public Employees," distributed from Washington, D.C., 1973.

19. See David A. Levy, "State Labor Legislation Enacted in 1974," in Monthly Labor Review, January, 1975, pp. 17-25.

20. The bill, Senate Bill 275, is recommended to the reader as an exampl of well prepared public employee collective bargaining legislation.

"public employees should have the right to bargain collectively."[21]

It is important to note one final point with regard to the probable passage of additional public employee bargaining legislation. Virtually every national and state public employee union or association leader is predicting passage of state and/or federal enabling legislation. These predictions have the effect of stimulating increased activity in propagandizing and organizing for collective bargaining, which people seem to assume will be inevitable once the law is passed. The increased organizing activity generates greater pressure for the passage of such laws, which in turn increases the flow of positive predictions. It appears that this spiral will continue until all public employees are provided for in some kind of permissive bargaining law.

Political confrontation between the public and private sectors regarding allocation of available economic resources is the third component of change stimulated by labor militancy in public education. Teacher militancy will contribute to this confrontation indirectly inasmuch as public employee wages are forced up through increased collective bargaining. Recent studies of wage determination in the public sector have concluded, in fact, that market forces do not limit real wage increases for public employees in the same fashion as in the private sector.[22] The private-sector union argument that the negotiation of higher wage settlements only reflects increased productivity will not be as credible when applied

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21. Action (Burlingame, CA.: California Teachers Association, September 20, 1974), pp. 6-7.

22. Ronald Ehrenberg, "The Demand for State and Local Government Employees," in American Economic Review, June, 1973, pp. 366-379; Walter Fogel and David Lewin, "Wage Determination in the Public Sector," Industrial and Labor Relations Review, April, 1974, pp. 410-431.

23. Cf. E. Wight Bakke, "Reflections on the Future of Bargaining in the Public Sector," in Monthly Labor Review, July, 1970, pp. 21-25.

to most public employees.[23] In addition to public wages rising faster than productivity gains, the cost to state and local government of administering an extensive public employee collective bargaining program will in itself be substantial. In fact, the increased absolute and relative size of the public sector will increase public budgets regardless of which forces (market or institutional) are the most relevant to the determination of public employee wages.[24]

There are several direct ways, however, in which teacher militancy is contributing to the likelihood of a public employee-private employee political schism. In an effort to keep membership informed and aggressive, teacher association research departments publish information pointing to the unfavorable salary position of teachers vis a vis other employment groups.[25] Employee association leaders urge members to bring whatever pressure possible on their legislators to pass laws providing more funds for education (or for police protection and so forth). Well organized political demonstrations and work stoppages by various groups of public employees are increasing civic awareness of the emergent power of public

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24. The impact of collective bargaining on wages in the public sector is an area of inquiry that will require considerable attention during the next few years. Evidence adequate for analysis is only beginning to be generated. See James Freund, "Market and Union Influences on Municipal Employee Wages," in Industrial and Labor Relations Review, April, 1974, pp. 391-404; Roger Schmenner, "The Determination of Municipal Employee Wages," Review of Economics and Statistics, February, 1973, pp. 83-90; Orley A. Shenfelter, "The Effects of Unionization on Wages in the Public Sector: The Case of Fire Fighters," in Industrial and Labor Relations Review, January, 1971, pp. 191-202. Donald Gerwin, "Compensation Decisions in Public Organization," Industrial Relations, February, 1969, pp. 174-184.

25. See, for example, Negotiation Research Digest (Washington: National Education Association), "Teachers Receive Smaller Increases Than Policemen, Firemen," April, 1974, pp. 15-17; "Union Wage Rates for Local Truckdrivers Rise 7.9 Percent in Year," June, 1974, p. 13; "White-Collar Pay Increased by 614 Percent," November, 1974, pp. 14-15.

employees as a political interest group. The increased political sophistication of this interest group is exemplified by the National Education Association's Political Action Committee (NEA-PAC). The President of NEA reported to the 1974 Representative Assembly that "...it is gratifying to know that NEA has really moved from the candidates' night debate to the political arena of endorsements and from the campaign rhetoric to NEA-PAC action, but we have not yet fulfilled our potential nor reaped its full benefit."[26] It is certain that tension will be generated when the long-standing recognition of organized labor as a source of political support will have to be reevaluated by politicians in every state and at the national level with regard to just which interest group within "organized labor" possesses the necessary power.[27] In summary, it appears that competition between public employees and private employees for the economic pie is more likely to increase than it is to dissolve into the common interests of one big happy unionized family.

The fourth component of change stimulated by teacher militancy is the movement toward increased federal financing of local and state education systems. Much of the increased effort in political advocacy mentioned above is presently being directed toward securing increased federal financing. The proposed 1974-75 program budget of the NEA called for an expenditure of $829,314 solely for the purpose of developing a "workable model and legislative proposal for federal funding of at least one-third the cost of public education," and "to secure in 1974-75 additional funding

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26. Proceedings of the NEA Representative Assembly, 1974 (Washington: National Education Association, 1975), p. 8.

27. Cf. Cohany and Dewey, "Union Membership Among...," loc. cit., p. 19.

for current federal education programs and increase congressional understanding of the need for one-third federal financial support."[28] The extent of NEA's commitment to the idea of increased federal financing of education cannot go unnoticed in Congress, and, when coupled with the political endorsement monies of NEA-PAC, will almost surely bear some fruit.

Whether the push for increased federal finance for education will spread to other areas of public employment cannot be predicted on the basis of commitment to the idea in education. However, recent trends of increased federal categorical grants, the influence of the 1971 Emergency Employment Act, the sweeping implications of the 1972 State and Local Fiscal Assistance Act, and federal participation through the 1973 Comprehensive Employment and Training Act would indicate a clear direction toward increased federal financing of all types of local and state government activities.[29] The emphasis being placed on federal financing by increasingly militant and politically sophisticated public school teachers will serve at least as a positive catalyst for the general idea. The effect of such a catalyst will be to spur groups of public employees to political action in 1976, for example, when the Revenue Sharing Act is scheduled to expire.

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28. The program budget states further that "this (securing one-third federal financial support) will be done primarily through lobbying activities and a massive paid advertising campaign." Financial Reports, Program Budget, Fiscal Year 1974-75, presented to the Representative Assembly, Chicago, Ill., July, 1974 (Washington: National Education Association), p. 9.

29. See Robert Guttman, "Intergovernmental Relations Under the New Manpower Act," in Monthly Labor Review, June, 1974, pp. 10-16.

The fifth change stimulated by public employee militancy is the development of viable alternatives to the strike. The increased willingness to strike on the part of professionals in education, health care, police and fire protection and other "essential" public services has created a new civic and academic awareness of the real impact of work stoppages.[30] Further, there is no indication that the propensity of public employees to strike will decline in the foreseeable future. Without exception, leaders of public employee organizations endorse the right to strike while insisting the obvious-that they never want to strike. The President of AFSCME has articulated the common position as follows:

> I am opposed to strikes. I don't want strikes. They're bad. They're hard on the city but they're harder on the workers. I fight bitterly for the right to strike-the right to strike. But I don't think there's any principle involved in striking. Striking is a tactic to persuade an employer to deal with us. If it can be avoided, almost any price ought to be paid in order to avoid a strike.[31]

In recent testimony on proposed bargaining legislation before a California State Senate Committee, the President of the California Teachers Association argued strongly for statutory provision of the right to strike after stating flatly that "public employees do not want to strike."[32] In testimony before a Congressional Committee hearing, even the president of the International Association of Fire Fighters could argue for the right to strike:

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30. The number of articles published on alternatives to the strike has taken a noteable upturn during the past two years. For example, the Monthly Labor Review, September, 1973, contains a special thirty page section entitled "Exploring Alternatives to the Strike," pp. 34-66.

31. Billings and Greenya, op. cit., p. 209. The person quoted is Jerry Wurf.

32. Statement of Bryan Stevens, President of the California Teachers Association to the Senate Governmental Organization Committee on Collective Bargaining for Public Employees, SB 275, March 18, 1975.

> Fire fighters are fully aware of the gravity of strikes in the fire service, with its tremendous community responsibilities to the public; but we also know from experience that the right to strike or sound alternatives to that right are essential to the proper and effective use of collective bargaining process.[33]

It is apparent from these examples of policy statements that public employee commitment to acquiring the "right" to strike is firm, but that public employees are also going to assume a leadership role in developing viable alternatives to the strike.

Existing public employee collective bargaining laws reflect the special concern over strikes in the public sector, and similar laws now being proposed incorporate innovative techniques for avoiding strikes while providing the right to strike. Of course, many of the new laws simply prohibit strikes (such laws were passed during 1974 in Florida, Iowa and Maine).[34] Existing laws that grant a qualified right to strike to all or some public employees exist in seven states at the present time.[35] These laws include various combinations of traditional mediation, factfinding and voluntary binding arbitration procedures plus provisions for exhausting some or all of these impasse procedures before work stoppage is permitted. In addition, the laws contain varying

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33. A Federal Bargaining Act for State and Local Public Employees, Testimony in Support of H.R. 8677 (Washington: The Coalition of American Public Employees, October, 1973), p. 16. The testimony was given before the Special Subcommittee on Labor of the House Committee on Education and Labor, October 4, 1973.

34. Levy, "State Labor Legislation Enacted in 1974," loc. cit. pp. 17-29.

35. Antone Aboud and Grace Sterrett Aboud, The Right to Strike in Public Employment, New York State School of Industrial and Labor Relations, Key Issues Series-No. 15 (Ithaca, N.Y.: Cornell University, 1974), p. 10. This work provides the best available discussion of the relationship of existing laws to public employee strikes.

requirements of time limits for notification of intent to strike and waiting periods after fact finding before a strike can be called. A law being proposed in California mandates impasse resolution by mediation, fact-finding with recommendations, or by voluntary binding arbitration.[36] The California proposal permits strikes and lockouts after all impasse procedures have been exhausted unless the court finds that the announced strike or lockout imminently threatens public health or safety. If the court makes such a finding then the fact finders' recommendations become binding.[37]

The existence of such innovative legislative approaches to avoiding work stoppages in the public sector will begin to influence attitudes in the private sector when (and if) it can be demonstrated empirically that the procedures reduce the number of work stoppages without diluting the effectiveness of the collective bargaining process. Evidence exists that private sector employees and labor leaders are not unequivocally committed to the position that no alternative to the strike is acceptable.[38] Alternatives must be tested in the market place, however, before most private sector employees will be willing to try them out. All indications at the

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36. Senate Bill 275, California Legislature, January 23, 1975.

37. For a discussion of rationale behind the innovative procedures included in the proposed California legislation see Donald Wollett, "Mutual Anxiety: A California Proposal," in Monthly Labor Review, September, 1973, pp. 51-52. Experiments with other innovative approaches to avoiding strikes are now being analyzed for their effectiveness in practice. See Lucian B. Gatewood, "Factfinding in Teacher Disputes: the Wisconsin Experience," in Monthly Labor Review, October, 1974, pp. 47-51; Joseph Grodin, "Arbitration of Public Sector Labor Disputes: The Nevada Experiment," Industrial and Labor Relations Review, October, 1974, pp. 89-102.

38. For example, see I. W. Abel, "Basic Steel's Experimental Negotiating Agreement," in Monthly Labor Review, September, 1973, pp. 39-42.

present time are that the public sector will soon be engaging in enough experimentation with strike alternatives to provide examples adequate for the private sector to follow.

The sixth trend that will be stimulated by teacher militancy is the movement toward broadening the scope of collective bargaining. There is some current evidence that American labor unions are becoming increasingly interested in "workers' control" or "industrial democracy" within the framework of private-sector collective bargaining.[39] While such ideas are not new, they generally have been attributed to radicals or political revolutionaries and have not gained much popular emphasis in a system which clearly delineates management rights. The comparatively broad scope of negotiations being demanded by today's militant teachers may provide an example strong enough to encourage private-sector unions to demand reevaluation of traditionally accepted management rights, basic differences between the two sectors notwithstanding.

The traditional industrial relationship between employer and employee is based on the doctrine of management reserved rights, which holds that management's authority to direct employees is supreme except as limited by written agreements, long standing traditions, or the rule of reasonableness. In other words, negotiated contracts must state specifically what restrictions are placed upon management's freedom of action, assuming that any right not specifically limited therein is reserved to management.[40]

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39. See Ed Finn, "Industrial Democracy and Recent Union Demands," in Gerry Hunnius, G. David Garson and John Case (eds.), Workers' Control (New York: Vintage Books, 1973), pp. 155-157. Other articles in this collection are also supportive in this regard.

40. Prasow and others, op. cit., pp. 12-13.

The concept of shared management (or shared governance) in the field of education, and especially higher education, is fundamentally inconsistent with the doctrine of management reserved rights. The concept of shared governance has been articulated by the AAUP as a "joint effort" which, in the final analysis, assumes faculty reserved rights on the premise that "the faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life which relate to the educational process."[41] Taken together, these "fundamental areas" represent the sum of policy making rights reserved to management in a corresponding industrial situation.

There is wide recognition of the view that the professional preparation and attitude of teachers gives them a legitimate claim to a share in the management of their school with regard to its objectives, standards, and operational procedure.[42] Consequently, all teacher organizations representing personnel at every level of education have taken the firm position that the scope of negotiations should not be limited to the economic issues of salary, fringe benefits, and working conditions narrowly defined. Although some states have general public employee bargaining laws that limit the scope of bargaining by containing management prerogative provisions, it is significant that no state law applying solely to teachers includes a management rights clause.[43] Bargaining legislation

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41. AAUP Policy Documents and Reports (Washington: The American Association of University Professors, 1973), p. 38.

42. Prasow and others, op. cit., p. 65; Cf. Harry Wellington and Ralph Winter, Jr. The Unions and the Cities (Washington: The Brookings Institution, 1971), pp. 137-141.

43. Prasow and others, op. cit., pp. 66-67.

currently being proposed in the state of California is widely recognized as a model of innovative legislation and does not specifically limit the scope of bargaining, even though the law applies to all public employees.[44] Likewise, proposed federal legislation supported by the Coalition of American Public Employees includes a broad definition of the scope of bargaining. William Usery, Director of the Federal Mediation and Conciliation Service has recently remarked for publication that he sees "the scope of bargaining in the public sector being broadened considerably."[45] These indicators and the present militant posture of all public employees suggest that legal limitations on the scope of bargaining are more likely to decrease than increase, and that public employees will seek to broaden the scope in the absence of legal restraint.[46]

It is not likely that the strong desire to broaden the scope of bargaining will spread rapidly to blue collar workers in the private sector, but it is likely that the increasingly militant white collar and professional employees in the growing service industries will follow the lead of fellow professionals in the public service. In fact, the desire for broad scope in education has spread within the public sector mainly to professionals such as nurses, medical doctors, welfare case workers, and fire protection and law enforcement personnel. Some of these professionals have seen once generally accepted principles of bilateral

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44. The bill states that "Scope of bargaining means wages, hours, and other terms and conditions of employment; provided, however, that nothing in this chapter shall preclude the parties from mutually agreeing to negotiate over any other matters." Senate Bill 275, California Legislature, January 23, 1975, p. 9.

45. United Teacher (Los Angeles: United Teachers-Los Angeles, February 24, 1975), p. 3.

46. Cf. Wellington and Winter, op. cit., pp. 146-150.

decision making atrophy under the pressure of public demands for management accountability in large and expensive public service institutions.[47] Other professionals are demanding a new increased voice in management because of what they perceive as unprofessional and often irresponsible management policy decisions. It is apparent that professionals, whether publicly or privately employed, have considerable in common with regard to their approach to the scope of negotiations in a collective bargaining environment. It appears that the example first set by militant public school teachers will spread through other unionized public sector professionals to the private sector service industries and, perhaps, eventually to all of organized labor.

The seventh component of change stimulated by teacher militancy flows from the two preceding points. While teacher organizations have taken the position that viable alternatives to the strike should be provided and exhausted prior to using the strike weapon, they are also committed to

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47. In fact, one important source of teacher militancy at all levels of education is the frustration generated when honest attempts to make traditionally accepted models of shared governance work are thwarted by excessively "management oriented" school administrations and elected governing boards. The present rapid advance toward collective bargaining in higher education is explained to a large extent by the apparent desire of faculty to force a return to an approximation of shared governance (which is, after all, nothing more than bilateral decision making) by requiring good faith negotiations of the broadest scope possible. See "State Bargaining Legislation: Report of the Subcommittee on State Collective Bargaining Legislation Affecting Higher Education," in AAUP Bulletin, Autumn, 1974, p. 338; Ladd and Lipset, op. cit., pp. 81-88; J. Malcolm Walker, "Transition to Bargaining in a Multicampus System," in Industrial Relations: A Journal of Economy and Society, February, 1974, pp. 23-39; A. W. J. Thompson, An Introduction to Collective Bargaining in Higher Education, New York State School of Industrial and Labor Relations, Key Issues Series, No. 16 (Ithaca, N.Y.: Cornell University, 1974), pp. 20-25.

obtaining the statutory right to strike.[48] Teachers also have evidenced strong desire to broaden the scope of bargaining to include educational policy. Further, they have demonstrated their willingness to accept the personal economic penalty of a strike to achieve change in educational policy consistent with the highest standards of professionalism. For example, the genuineness of teacher concern over class size as it relates to the quality of education is rarely questioned and has long been an item sought for inclusion in the scope of bargaining.[49] The same kind of commitment has been clearly demonstrated by other professionals in recent strikes called by physicians, nurses and social workers to obtain better facilities and lower case loads necessary to provide good medical care. In the words of Paul Prasow, "public professional employee organizations and white-collar groups have considered negotiations not only as a means of improving wages, hours, and working conditions, but also as an instrument of more fundamental social change.[50] Given the predisposition of professionals in both public and private employment to insist upon involvement in the "management" of their professional activities, and the rapid rate of increase in

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48. This commitment is not one of naivety. Public employees are aware of the clear differences between a strike in the private sector, where the flow of the employer's revenue as well as the flow of goods or services is interrupted, and in the public sector where only the flow of services is stopped. The private sector strike exerts economic pressure on the employer and the public sector strike exerts political pressure on the employer while placing the major economic burden on the employee. It is believed by present public employee organizational leadership that political pressure will usually be adequate to make the strike an effective weapon. See A Federal Bargaining Act for Public Employees, Testimony in Support of H.R. 8677 (Washington: The Coalition of American Public Employees, October, 1973), pp. 16, 27-28, 34-35.
49. See Michael H. Moskow, Teachers and Unions (Philadelphia: University of Pennsylvania Press, 1966), pp. 220-222.
50. Prasow and others, op. cit., p. 1.

the proportion of professional employees in the labor force, it is reasonable to conclude that professional employee militancy ultimately will establish precedent for seeking social change through use of the strike.

The fact that public employee strikes are more political than economic in nature has important implications that will not go unnoticed as the public sector grows and competition for public versus private spending of the national income becomes more severe. Coalitions of public employee organizations that represent a combined membership of blue collar, non-professional white collar, and professional personnel have already been formed (for example, the Coalition of American Public Employees, discussed above, p. 14). One promotional brochure of CAPE contains a photograph of a picketer being arrested and is headlined "This man is not a teacher--then why is he going to jail for teachers? Because he [who is identified as a firefighter] is a leader of a state coalition of public employees."[51] The logical extension of such unity among public employees is the general strike to accomplish mutually desirable goals. It will be some time before the U.S. economic system will be confronted with a general public employee strike, but present evidence indicates a trend in that direction.

In way of summary, the initial conclusion may be stated succinctly. Teacher militancy in the United States is more than a symptom of cyclical hard times in public education. It is a phenomenon that both stimulates and is stimulated by increased labor militancy of other public employees and private sector service employees. The competition between employee organizations to become the exclusive collective bargaining agent of newly organized public employees serves as a major force for assuring continued

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51. "This Man is Not a Teacher," a brochure distributed by the Coalition of American Public Employees, Washington, D.C.

organization and militancy. Increased organization and militancy of professionals in the public sector is not so much a case of monkey see, monkey do, however, as it is the result of increased awareness of the need to assert their collective will in ever-expanding, management-dominated service enterprises.[52]

A high priority objective of teacher unions and associations is to obtain permissive collective bargaining legislation wherever it does not presently exist, including the federal level. Organizations such as the National Education Association have entered a new era of political sophistication and activism. Potentially powerful coalitions of public employee organizations representing different occupational groups from different governmental levels have been formed to press for favorable bargaining legislation. Such activities have already begun to bear fruit, and additional state and federal public employee bargaining legislation will be forthcoming at an accelerated rate.

Continued expansion of the public sector will increase public employee financial obligations, and the simultaneous increase in public employee militancy will set the stage for public versus private employee political confrontations. Political demonstrations and more frequent work stoppages by public employees will increase civic awareness of the emergent power of public employees as a political interest group. Organized labor in the

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52. An excellent phrasing of this point, in complete agreement with the conclusions of the present paper has been provided by UCLA Professor Archie Kliengartner: "Most salaried professionals no longer derive much satisfaction from the rhetoric of professionalism. They increasingly want its substance, and recognize that professionalism must in its concrete aspects be obtained primarily from the employer. ...Bargaining is viewed as helpful in achieving the substance of professionalism." Kliengartner, "Impact of Professionalism on Scope of Bargaining in the Public Sector," in Prasow and others, op. cit., pp. 44-45.

private sector will have to compete with organized public employees as the major source of labor's political support. Private sector unions may soon find they have more legislative lobbying interests in common with big business than with their counterparts in the public sector. The clear distinction of interests that will emerge when hard choices of public versus private claims on the national income must be made will cause public and private employee organizations to be in fundamental disagreement and will produce some unusual political alliances.

The substantial political effort of teacher organizations in every state to increase state funding of education is matched at the national level by a massive effort on the part of the National Education Association to obtain one-third federal financing of state and local education systems. While the likelihood of increased federal financing of all state and local government activities cannot be predicted on the basis of one militant teacher organization's commitment to the idea for education, ample supporting evidence of such a trend for all government services is provided by legislation passed during the past five years. The political effort of organized teachers will at least act as a catalyst in support of the established trend.

Teacher militancy will encourage the development of viable alternatives to the strike. All major public employee associations have taken the position that the right to strike should be guaranteed by statute, but that they do not object to further statutory provisions of impasse alternatives designed to diminish the likelihood of actual work stoppages. Existing public employee bargaining laws that do not flatly prohibit strikes provide for such impasse alternatives. Future legislation, exemplified by a bill currently being considered by the California Legislature, is more

likely to contain innovative procedures to discourage strikes than it is to contain explicit denial of the right to strike. If practical experience with these innovative procedures demonstrates that the number of work stoppages can be reduced without diluting the effectiveness of the collective bargaining process, the procedures probably will be adopted for use in the private sector.

Teachers at all levels of education are insisting that the responsibilities of professionalism be recognized within the collective bargaining process by broadening the scope of bargaining to include many elements of educational policy and managerial control. Emphasis placed on the importance of some system of shared governance in higher education is one factor influencing professional employee associations to reject the principle of management reserved rights in favor of pervasive bilateralism. The constant pressure being brought by militant teachers to expand the scope of bargaining beyond wages, fringe benefits and working conditions narrowly defined will encourage other professional employees, both public and private, to do the same. Current evidence of increased interest in "workers control" on the part of organized blue collar labor suggests that the examples being set by teachers may even have influence on the future bargaining objectives of American unionism in general.

The final conclusion of the present paper is that each of the developments outlined above contributes to the likelihood that future collective negotiations will be used as a device to obtain fundamental social change. In addition, the probability of future coalitions of public employees raises the spectre of the general public employee strike as a weapon available for use when negotiating for social change.

Seven related but separate predictions have been made in this paper. It is the author's hope that what evidence is offered in support of each prediction is at least cogent enough to encourage others to consider each prediction at greater length. In an article written more than five years ago on public education as an emerging sector of collective bargaining, the authors concluded that answers to basic questions regarding the impact of interest group activity as exemplified by militant school teachers "requires additional research on the concept of community groups as a substitute for the market mechanism."[53] In the five years that have passed since this suggestion, the continued spread of public employee militancy has placed new emphasis on the need for such research. The predictions proffered in the present paper should add a sense of urgency.

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53. Kenneth McLennan and Michael H. Moskow, "Public Education," in Wolfbein, op. cit., p. 259.

TABLE 1

EMPLOYMENT IN PUBLIC AND PRIVATE SECTORS AND SELECTED INDUSTRIES

PERCENTAGE CHANGE, 1960-1974

Period of change	Total employment %	Total private sector %	Total public sector %	Federal government %	State and local government %	Manufacturing %	Services %
1960-1974	44.4	39.6	71.0	20.0	90.1	19.2	82.0
1960-1964	7.6	6.2	14.9	3.4	19.2	2.8	17.3
1965-1969	15.8	14.8	21.1	16.0	22.7	11.7	23.6
1970-1974	10.5	9.8	13.7	-0.2	17.6	3.5	16.2

Table constructed on the basis of Bureau of Labor Statistics data, Monthly Labor Review, February, 1975, pp. 105-106. Annual average data for 1974 relies on preliminary reports for November and December. These data are for full and part time employees on nonagricultural payrolls.

TABLE 2

PERCENTAGE OF TOTAL NONAGRICULTURAL EMPLOYMENT

IN SELECTED EMPLOYMENT CLASSIFICATIONS, 1960 - 1974

Year	Total government %	Federal government %	State and local government %	Manufacturing %	Services %
1960	15.4	4.2	11.2	31.0	13.7
1962	16.0	4.2	11.8	30.3	14.4
1964	16.5	4.0	12.4	29.6	14.9
1966	16.9	4.0	12.9	30.0	14.9
1968	17.4	4.0	13.4	29.1	15.6
1970	17.7	3.9	13.9	27.3	16.4
1972	18.1	3.6	14.5	25.9	16.8
1974	18.6	3.5	14.8	26.0	17.2

Table constructed on the basis of Bureau of Labor statistics data, Monthly Labor Review, February 1975, pp. 105-106. Annual average data for 1974 relies on preliminary reports for November and December.

TABLE 3

GOVERNMENT EMPLOYEE WORK STOPPAGES, 1960-1973

Year	Government Employees: Number of Stoppages	Government Employees: Workers involved (1,000)	Government Employees: Man-days idle during year (1,000)	Total number of work stoppages in all industries	Percent of total stoppages involving government employees %	Total man-days idle in all industries (1,000)	Percent of total man-days idle involving government employees %
1960	36	28.6	58.4	3,333	1.1	19,100.0	0.3
1961	28	6.6	15.3	3,367	0.8	16,300.0	0.1
1962	28	31.1	79.1	3,614	0.8	18,600.0	0.4
1963	29	4.8	15.4	3,362	0.9	16,100.0	0.1
1964	41	22.7	70.8	3,655	1.1	22,900.0	0.3
1965	42	11.9	146.0	3,963	1.1	23,300.0	0.6
1966	142	105.0	455.0	4,405	3.2	25,400.0	1.8
1967	181	132.0	1,250.0	4,595	3.9	42,100.0	3.0
1968	254	202.0	2,550.0	5,045	5.0	49,018.0	5.2
1969	411	160.0	745.7	5,700	7.2	42,869.0	1.7
1970	412	333.5	2,023.3	5,716	7.2	66,413.8	3.0
1971	329	152.6	901.4	5,138	6.4	47,589.1	1.9
1972	375	142.1	1,257.3	5,010	7.5	27,066.4	4.6
1973	385	195.8	2,291.7	5,353	7.2	27,948.0	8.2

Table constructed on the basis of Bureau of Labor Statistics data, Handbook of Labor Statistics, 1974, pp. 383-386. 1973 data taken from Bureau of Labor Statistics press release, "Work Stoppages 1974" Friday, January 24, 1975.

TABLE 4

TEACHER WORK STOPPAGES, 1960-1973

Year	Number of Stoppages	Teachers involved (1,000)	Man-days idle during year (1,000)	Percent of total government stoppages involving teachers %	Percent of total man-days idle involving teachers %
1960	3	5.5	5.5	8.3	9.4
1961	1	a	a	3.6	-
1962	1	20.0	20.0	3.6	25.3
1963	2	2.2	2.6	6.9	16.9
1964	9	14.4	30.6	22.0	43.2
1965	5	1.7	7.9	11.9	5.4
1966	30	37.3	58.5	21.1	12.9
1967	76	92.4	969.3	42.0	77.5
1968	88	145.0	2,180.0	34.6	85.5
1969	183	105.0	412.0	44.5	55.3
1970	152	94.8	935.6	36.9	46.2
1971	135	76.6	551.4	41.0	61.2
1972	87	33.9	207.3	23.2	16.5
1973	154	74.0	718.0	40.0	31.3

Sources: Bureau of Labor Statistics Work Stoppages in Government, Report 348, (1970) Summary Report (1971), Report 434 (1974); 1973 data are National Education Association estimates for the 1973-74 school year from NEA Research Memo 1974-3, December, 1974.

a - less than 100

TABLE 5

MEMBERSHIP IN SELECTED UNIONS AND EMPLOYEE ASSOCIATIONS, 1960-1974

Year	(1) American Federation of Teachers (1,000)	(2) National Education Association (1,000)	(3) American Federation of State County and Municipal Employees (1,000)	(4) All government unions* (1,000)	(5) International Brotherhood of Teamsters (1,000)	(6) Public Service Industry Unions (1,000)	(7) All unions* (1,000)	Ratios (1)+(2)/(7)	Ratios (4)/(7)
1960	56.2	714.2	210.0	1,070	1,484	1,281	18,037	4.3	5.9
1962	70.8	812,5	220.0	1,225	1,457	996	17,564	5.0	7.0
1964	100.0	903.3	234.8	1,453	1,507	968	17,919	5.6	8.1
1966	125.0	986.1	281.3	1,717	1,651	1,002	19,125	5.8	9.0
1968	165.0	1,081.7	364.5	2,155	1,755	1,093	20,210	6.2	10.7
1970	205.3	1,100.2	444.5	2,318	1,829	1,287	20,690	6.3	11.2
1972	248.5	1,166.2	529.0	2,461	1,855	1,649	20,838	6.8	11.8
1974	414.2	1,467.2	725.0	n	2,000	n	n		

*Does not include local, state or national employee assiciations or professional associations representing members in collective bargaining (such as NEA and AAUP).

nNot available

Sources: Bureau of Labor Statistics Bulletins No. 1320, 1395, 1493, 1596, 1665 and 1750. Directory of National Unions and Employee Associations, 1973; Handbook of Labor Statistics 1974; National Education Association Research Department, Washington, D.C.; 1974 data for AFSCME and IBT oral report by their respective research departments.

TABLE 6

BIANNUAL PERCENTAGE CHANGE IN MEMBERSHIP FOR SELECTED UNIONS AND EMPLOYEE ASSOCIATIONS, 1960-1974

Year	American Federation of Teachers %	National Education Association %	American Federation of State County and Municipal Employees %	All Government Unions %	International Brotherhood of Teamsters %	Private Service Industry Unions %	All Unions %
1962	26.0	13.8	4.8	14.5	-1.8	-22.2	-2.6
1964	41.2	11.2	6.7	18.6	3.4	-2.8	2.0
1966	25.0	9.2	19.8	18.2	9.6	3.5	6.7
1968	32.0	9.7	29.6	25.5	6.3	9.1	5.7
1970	24.4	1.7	21.9	7.6	4.2	17.7	2.4
1972	21.0	6.0	19.0	6.2	1.4	28.1	0.7
1974	66.7	25.8	37.1	n	7.8	n	n

Table constructed from data in Table 5.

nNot available